

# Oral Argument Calendar

## United States Court of Appeals for the Sixth Circuit

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Tuesday, November 28, 2017

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Daughtrey, McKeague, Donald**

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**17-3520 Pension Benefit Guaranty Corp v. Findlay Industries, Inc., et al.**

[3:15-cv-01421](#)

Northern District of Ohio at Toledo

J. Zouhary

Plaintiff, pursuant to 28 U.S.C. 1292(b), appeals the district court's order dismissing certain counts in its complaint seeking to collect unfunded benefits liabilities resulting from the termination of Findlay Industries, Inc.'s pension plan. (15 Minutes Per Side)

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**17-3392 Dore & Associates Contracting v. City of Columbus, Ohio**

[2:15-cv-02677](#)

Southern District of Ohio at Columbus

E. Sargus

K. Jolson

Plaintiff appeals the district court's judgment for defendant in this action arising out of a contract dispute between the parties over the demolition and abatement of a building in downtown Columbus, Ohio. (15 Minutes Per Side)

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**17-1217 Aqualucid Consultants, Inc., et al. v. Zeta Corporation, et al.**

[1:14-cv-00479](#)

Western District of Michigan at Grand Rapids

P. Maloney

Plaintiffs appeal the dismissal of their state law claims for breach of contract, fraud and misrepresentation, unjust enrichment, and conversion. (15 Minutes Per Side)

Tuesday, November 28, 2017

607 - 6th Floor West Courtroom, 1:30 P.M.

Before: **Gilman, Sutton, Stranch**

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**17-3150 Sofonias Verdugo-Morales v. Jefferson B. Sessions, III**

a 205 857 220 Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies cancellation of removal. (15 Minutes Per Side)

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**17-3120 Sun Life Assurance Company v. Richard Jackson, et al.**

3:14-cv-00041 Southern District of Ohio at Dayton W. Rice

Plaintiff appeals the district court's judgment for defendants in this ERISA dispute over whether a divorce decree met the statutory requirements of a Qualified Domestic Relations Order. (15 Minutes for Plaintiff; 10 Minutes for Defendant Sierra Jackson; 5 Minutes for Amicus)

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**16-2748 Clayton Pierce v. General Motors, LLC, et al.**

4:14-cv-14491 Eastern District of Michigan at Flint L. Parker  
M. Hluchaniuk

In this employment discrimination action, plaintiff appeals the summary judgment for the defendants. (To Be Submitted On Briefs)

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**17-3107 USA v. Sylvester Marks**

1:04-cr-00572-2 Northern District of Ohio at Cleveland J. Adams

Defendant appeals the order revoking his term of supervised release. (To Be Submitted on Briefs)

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**16-2438 Anthony West v. Mary Berghuis**

2:15-cv-11218 Eastern District of Michigan at Detroit A. Tarnow

The petitioner appeals from the dismissal of his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (To Be Submitted on Briefs)

Wednesday, November 29, 2017

All Cases on Briefs

Before: **Daughtrey, McKeague, Donald**

**16-2668 Hayes Bacall v. Cathleen Stoddard**

[2:14-cv-13442](#)

Eastern District of Michigan at Detroit

L. Michelson

Hayes Bacall appeals the judgment of the district court denying his 28 U.S.C. Section 2254 petition for a writ of habeas corpus. (To Be Submitted on Briefs)

Wednesday, November 29, 2017

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Daughtrey, McKeague, Bush**

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**16-4261 USA v. Daryl Donohue**

[1:15-cr-00263-4](#) Northern District of Ohio at Cleveland

P. Gaughan

**16-4267 USA v. William Schureck**

[1:15-cr-00263-2](#) Northern District of Ohio at Cleveland

P. Gaughan

**16-4271 USA v. Kenneth Jackson**

[1:15-cr-00263-1](#) Northern District of Ohio at Cleveland

P. Gaughan

**16-4287 USA v. Dennis Deciancio**

[1:15-cr-00263-3](#) Northern District of Ohio at Cleveland

P. Gaughan

Defendants appeal their convictions and sentences for various crimes involving mail and wire fraud. (30 Minutes to be Shared by Defendants; 30 Minutes for Plaintiff)

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**17-1566 Timothy Finley v. Erica Huss, et al.**

[2:16-cv-00253](#) Western District of Michigan at Marquette

G. Quist

Plaintiff appeals the district court's dismissal of his civil rights action filed under 42 U.S.C. Section 1983. (15 Minutes for Appellant)

Wednesday, November 29, 2017

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Gilman, Sutton, Stranch**

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**17-1158 Palmer Park Square, LLC v. Scottsdale Insurance Company**

[2:16-cv-11536](#)

Eastern District of Michigan at Detroit

A. Patti

N. Edmunds

Plaintiff appeals the summary judgment for defendant in this diversity insurance contract action. (15 Minutes Per Side)

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**17-5538 USA v. Chris Folad**

[3:14-cr-00168-1](#)

Middle District of Tennessee at Nashville

A. Trauger

**17-5544 USA v. Khaled Fattah**

[3:14-cr-00168-2](#)

Middle District of Tennessee at Nashville

A. Trauger

Defendants appeal their judgments and sentences for conspiracy to commit wire fraud and computer access fraud, computer intrusion, and wire fraud. (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

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**17-5277 Keith Saunders v. Ford Motor Company, et al.**

[3:14-cv-00594](#)

Western District of Kentucky at Louisville

J. McKinley

Plaintiff appeals the summary judgment for defendants in this action alleging discrimination, retaliation, and related claims arising from defendants' failure to accommodate his disabilities following a work-related injury. (15 Minutes Per Side)

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**17-3571 Vanessa Enoch, et al. v. Hamilton Cnty Sheriff's Office, et al.**

[1:16-cv-00661](#)

Southern District of Ohio at Cincinnati

K. Litkovitz

Defendants appeal the district court's order denying them qualified immunity in this civil rights action alleging that defendants violated plaintiffs' constitutional rights in connection with plaintiffs' use of electronic devices during a pretrial hearing at the Hamilton County, Ohio Courtroom. (To Be Submitted on Briefs)

Wednesday, November 29, 2017

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Moore, Rogers**

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**17-1415 Bradley Arndt v. Ford Motor Company**[2:15-cv-11108](#)

Eastern District of Michigan at Detroit

A. Patti

P. Borman

In this employment discrimination action alleging federal and state claims of disability discrimination, plaintiff appeals the summary judgment for defendant. (15 Minutes Per Side)

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**17-3396 John Doe v. Miami University, et al.**[1:15-cv-00605](#)

Southern District of Ohio at Cincinnati

M. Barrett

Plaintiff appeals the district court's dismissal for failure to state a claim in his complaint challenging the disciplinary proceedings and sanctions imposed by the University after a female student accused him of sexually assaulting her. (15 Minutes Per Side)

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**17-3420 Nicola Ruhl, et al. v. State of OH Health Department, et al.**[1:16-cv-00082](#)

Northern District of Ohio at Cleveland

C. Boyko

**17-3422 Nicola Ruhl, et al. v. State of OH Health Department, et al.**[1:16-cv-00773](#)

Northern District of Ohio at Cleveland

J. Gwin

Plaintiffs appeal the district court's dismissal of their complaint alleging that defendants failed to provide their handicapped son the full extent of therapeutic services to which he was entitled and the judgment affirming an administrative hearing officer's determination whether their son was entitled to early intervention services pursuant to the Individuals with Disabilities Education Act. (20 Minutes for Plaintiffs; 20 Minutes to be Shared by Defendants)

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**17-1323 Amelita Mandingo v. PNC Bank, National Association**[2:15-cv-12079](#)

Eastern District of Michigan at Detroit

S. Murphy

Plaintiff appeals the summary judgment for defendant in this diversity action challenging a residential mortgage foreclosure. (To Be Submitted On Briefs)

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**17-5230 USA v. Stephen Lester**[1:15-cr-00033-1](#)

Eastern District of Tennessee of Chattanooga

H. Mattice

Defendant appeals his judgment in a criminal case, following a guilty plea, for felon in possession of a firearm and ammunition. (To Be Submitted On Briefs)

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**16-2415 USA v. Darryl Jackson**[1:16-cr-00083-1](#)

Western District of Michigan at Grand Rapids

R. Bell

Defendant appeals the judgment entered following his plea of guilty of distribution of heroin and possession of a firearm by a felon. (To Be Submitted On Briefs)

Wednesday, November 29, 2017

403 - 4th Floor Courtroom, 2:00 P.M.

Before: **Moore, Sutton, Kethledge**

**14-5418 Virginia Caudill v. Janet Conover**

**5:10-cv-00084**

Eastern District of Kentucky at Lexington

D. Reeves

Petitioner, a Kentucky death-row inmate, appeals the district court's judgment denying her petition for a writ of habeas corpus. (30 Minutes Per Side)

Thursday, November 30, 2017

All Cases on Briefs

Before: **Norris, Rogers, Donald**

**17-1426 Michael Faraone v. Patrick Heath, et al.**

**5:15-cv-13834**

Eastern District of Michigan at Ann Arbor

J. Levy

In this civil rights action alleging retaliation for the exercise of First Amendment rights, plaintiff appeals the summary judgment for defendants and the denial of his motion for reconsideration. (To Be Submitted on Briefs)



Thursday, November 30, 2017

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Daughtrey, Moore, Sutton**

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**17-3485 Teresa Barry v. James O'Grady, et al.**

**2:14-cv-02693**

Southern District of Ohio at Columbus

E. Sargus

T. Kemp

Defendant Judge James O'Grady appeals the district court's denial of his motion for summary judgment on grounds of qualified immunity in this action brought by a female employee who alleges she was sexually harassed and retaliated against for exercising her First Amendment rights. (15 Minutes Per Side)

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**17-5552 Clayton Byrd, et al. v. TN Wine & Spirits Retailers**

**3:16-cv-02738**

Middle District of Tennessee at Nashville

J. Frensley

K. Sharp

Defendant appeals the grant of partial summary judgment, and grant of an injunction, to plaintiffs in this action challenging the constitutionality of a residency requirement for issuing a retail license for liquor stores. (15 Minutes for Defendant; 15 Minutes to be Shared by Plaintiffs)

Thursday, November 30, 2017

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Cole, McKeague, Stranch**

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**16-2274 Beau Heimer v. Companion Life Insurance Co**

**1:15-cv-00338**

Western District of Michigan at Grand Rapids

J. Neff

Defendant appeals the judgment on the administrative record in this ERISA action seeking payment of insurance benefits. (15 Minutes Per Side)

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**16-5569 Kentucky Employees Retirement, et al. v. Seven Counties Services, Inc.**

**3:15-cv-00025**

Western District of Kentucky at Louisville

D. Hale

**16-5644 Kentucky Employees Retirement, et al. v. Seven Counties Services, Inc.**

**3:15-cv-00025**

Western District of Kentucky at Louisville

D. Hale

Appellants appeal and Appellee cross-appeals the district court's memorandum opinion denying Appellants' appeal from a bankruptcy court decision that Appellee qualified for Chapter 11 relief. (15 Minutes Per Side)

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**16-2752 James Meeks v. City of Detroit, MI, et al.**

**2:15-cv-14270**

Eastern District of Michigan at Detroit

R. Cleland

R. Whalen

Plaintiff appeals the summary judgment for defendants in this civil rights action alleging malicious prosecution and failure to train. (15 Minutes Per Side)

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**17-1683 Frances Wolf v. Causley Trucking, Inc, et al.**

**1:15-cv-12530**

Eastern District of Michigan at Bay City

T. Ludington

Plaintiff appeals the summary judgment for defendants in this ERISA action challenging the denial of benefits. (To Be Submitted on Briefs)

Thursday, November 30, 2017

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Norris, Rogers, Bush**

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**16-2215 Mary Danielak v. Shawn Brewer**

**2:14-cv-11131**

Eastern District of Michigan at Detroit

R. Cleland

The petitioner appeals from the district court's judgment denying her petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

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**16-6720 USA v. Arthur Smith**

**3:13-cr-00005-3**

Eastern District of Tennessee at Knoxville

T. Varlan

Defendant appeals his amended judgment in a criminal case for aiding and abetting pharmacy robbery, aiding and abetting the using, carrying, and brandishing of a firearm during a crime of violence, and being a felon in possession of a firearm and ammunition. (15 Minutes Per Side)

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**17-1161 FCA US, LLC v. Spitzer Autoworld Akron, LLC**

**2:16-cv-11186**

Eastern District of Michigan at Detroit

S. Cox

In this declaratory judgment action, defendant appeals the judgment declaring that the Ohio Dealer Act is not preempted and enjoining it from re-litigation of the preemption issue in an administrative proceeding. (15 Minutes for Appellant; 15 Minutes to be Shared by Appellees)

Friday, December 01, 2017

All Cases on Briefs

Before: **Norris, Rogers, Donald**

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**16-2366 USA v. Willie Curry**

**2:13-cr-20887-1** Eastern District of Michigan at Detroit

D. Grand

D. Hood

In this criminal action tried to a jury, defendant appeals his conviction of production of child pornography, conspiracy to engage in sex trafficking of children, sex trafficking of children, and possession of a firearm by a felon. (To Be Submitted on Briefs)

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**17-5120 USA v. Dominic Williams**

**1:15-cr-10015-1** Western District of Tennessee at Jackson

J. Breen

Defendant appeals his judgment in a criminal case, following a guilty plea, for attempted bank robbery by force or violence. (To Be Submitted on Briefs)

Friday, December 01, 2017

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Daughtrey, Moore, Sutton**

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**17-5590 David Pittington v. Great Smoky Mt Lumberjack Feud**

**3:14-cv-00397**

Eastern District of Tennessee at Knoxville

P. Reeves

Plaintiff appeals the grant in part and denial in part of his motion to alter or amend the judgment in this action alleging retaliation under Title VII and the Tennessee Human Rights Act. (15 Minutes Per Side)

Friday, December 01, 2017

607 - 6th Floor West Courtroom, 8:30 A.M.

Before: **Cole, McKeague, Stranch**

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**16-2304 USA v. Donald Allen, Jr.**

**5:12-cr-20298-1**

Eastern District of Michigan at Ann Arbor

J. O'Meara

In this criminal action tried to a jury, defendant appeals his conviction of transportation of a minor for criminal sexual activity, transportation for criminal sexual activity, production of child sexually abusive material, and possession of child pornography. (15 Minutes Per Side)

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**17-3521 USA, ex rel J. Lynn Roycroft v. Geo Group, Inc., et al.**

**1:14-cv-01808**

Northern District of Ohio at Cleveland

S. Oliver

Relator appeals the district court's dismissal for failure to state a claim of her qui tam action alleging that defendants submitted false or fraudulent charges for payments under the Medicaid program in violation of the False Claims Act. (15 Minutes Per Side)

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**17-3387 Speedeon Data, LLC v. Integrated Direct Mktg, LLC**

**1:15-cv-01272**

Northern District of Ohio at Cleveland

C. Boyko

Defendant appeals the district court's summary judgment for plaintiff in this diversity case alleging breach of contract and unjust enrichment. (To Be Submitted on Briefs)

Friday, December 01, 2017

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Norris, Rogers, Thapar**

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**17-1233 Kimberly Guest-Marcotte v. Life Ins Co of North America, et al.**

**1:15-cv-10738**

Eastern District of Michigan at Bay City

T. Ludington

Plaintiff appeals the judgment for defendant in this ERISA action challenging the denial of short-term disability benefits. (15 Minutes Per Side)

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**17-1499 Vernon Proctor v. Bd of Medicine, et al.**

**1:16-cv-00082**

Western District of Michigan at Grand Rapids

J. Neff

Plaintiff appeals the dismissal of his action seeking to prevent disclosure of medical records based on regulations promulgated under the Public Health Services Act. (To Be Submitted On Briefs)

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**17-3245 USA v. Damone Tyson**

**1:15-cr-00139-1**

Northern District of Ohio at Cleveland

D. Nugent

Defendant appeals his conviction and sentence for conspiracy to commit bank fraud and eleven counts of bank fraud. (To Be Submitted on Briefs)